2016-4495

PROTOTYPE PROGRAMMATIC AGREEMENT BETWEEN THE US DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE NEVADA STATE OFFICE, AND NEVADA STATE HISTORIC PRESERVATION OFFICER, REGARDING CONSERVATION ASSISTANCE

WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agricultural Act of 2014 (2014 Farm Bill, Public Law 113-79); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders, implementing regulations and related authorities; and

WHEREAS, NRCS, through its conservation assistance programs and initiatives, provides assistance for activities with the potential to affect historic properties eligible for or listed in the National Register of Historic Places (NRHP), including National Historic Landmarks (NHLs) and therefore constitute undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800, including the provisions of these regulations addressing NHLs at 36 CFR Part 800.10; and

WHEREAS, NRCS has determined that the requirement to take into account the effects to historic properties of its undertakings may be more effectively and efficiently fulfilled through the use of a Prototype Programmatic Agreement (Prototype Agreement); and

WHEREAS, the NRCS Nevada State Office has consulted with the Nevada State Historic Preservation Officer (SHPO) and followed the instructions in the Advisory Council on Historic Preservation (ACHP) letter that accompanied the Prototype Agreement, dated November 21, 2014; and

WHEREAS, NRCS also is responsible for fulfilling the requirements of the National Environmental Policy Act (NEPA), including the use of categorical exclusions, and coordinating NEPA and Section 106 reviews, as appropriate; and

WHEREAS, NRCS developed this Prototype Agreement in consultation with the National Conference of State Historic Preservation Officers (NCSHPO) and its members, interested Indian tribes, Native Hawaiian organizations, interested historic preservation organizations, (such as the National Trust for Historic Preservation), the ACHP; and

WHEREAS, in accordance with 36 CFR Part 800.14(b)(4), the ACHP has designated this agreement as a Prototype Agreement, which allows for the development and execution of subsequent prototype agreements by individual NRCS State office (s) (State-based Prototype Agreements) to evidence compliance with Section 106; and

WHEREAS, this State-based Prototype Agreement (PPA) conforms to the NRCS Prototype Agreement as designated by the ACHP on November 21, 2014, and therefore, does not require the participation or signature of the ACHP when the NRCS Nevada State Office and the SHPO agree to the terms of the PPA; and

WHEREAS, this Prototype Agreement replaces the 2002 nationwide "Programmatic Agreement among the United States Department of Agriculture Natural Resources Conservation Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers relative to Conservation Assistance," as amended in 2011 and 2012, which expired on November 20, 2014; and

WHEREAS, the NRCS Nevada State Conservationist is the responsible federal agency official within the state for all provisions of 54 U.S.C. 306108, including consultation with the SHPO, NHOs, and government-to government consultation with Indian tribes to negotiate the PPA; and

WHEREAS, the PPA does not apply to undertakings occurring on or affecting historic properties on Tribal lands, as defined by 54 U.S.C. 300319 of the NHPA, without prior agreement and execution of a PPA with the concerned Indian tribe; and

WHEREAS, the NRCS has consulted with the Confederated Tribes of Goshute; Duckwater Shoshone Tribe; Ely Shoshone Tribe; Fort McDermitt Paiute-Shoshone Tribe; Las Vegas Paiute Tribe; Lovelock Paiute Tribe; Moapa Band of Paiutes; Fallon Paiute Shoshone Tribe; Pyramid Lake Paiute Tribe; Reno Sparks Indian Colony; Duck Valley Shoshone-Paiute Tribe; Summit Lake Paiute Tribe; Te-Moak Tribe of Western Shoshone (Battle Mountain Band, Elko Band, South Fork Band, Wells Band); Walker River Paiute Tribe; Washoe Tribe of Nevada and California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community and Washoe Ranches); Fort Mojave Indian Tribe; Timbisha Shoshone Tribe; Winnemucca Indian Colony; Yerington Paiute Tribe; and Yomba Shoshone Tribe and has invited their participation in the development of this PPA and to enter into this PPA as concurring signatories; and

WHEREAS, this Prototype Agreement does not modify the NRCS' responsibilities to consult with Indian tribes and NHOs on all undertakings that might affect historic properties and properties of religious and cultural significance to them, regardless of where the undertaking is located, without prior agreement by the concerned Indian tribe or NHO, and recognizes that historic properties of religious and cultural significance to an Indian tribe or NHO may be located on ancestral homelands or on officially ceded lands near or far from current settlements; and

WHEREAS, when NRCS Nevada conducts individual Section 106 reviews for undertakings under this PPA, it shall identify and invite other agencies, organizations, and individuals to participate as consulting parties; and

NOW, THEREFORE, the NRCS Nevada State Office and the SHPO agree that undertakings in Nevada shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NRCS shall ensure that the following stipulations are met and carried out:

I. Applicability

a. Once executed by NRCS Nevada and the SHPO, this PPA sets forth the review process for all NRCS undertakings subject to Section 106 in the state of Nevada.

b. Execution of this PPA supersedes any existing State Level Agreement with the SHPO executed under the previous NRCS nationwide Programmatic Agreement, but does not replace any existing project-specific Section 106 agreements (Memoranda of Agreement or Programmatic Agreements).

c. This PPA applies only when there is a Federal Preservation Officer (FPO) in the NRCS National Headquarters (NHQ) who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44716).

d. This PPA applies only where there is staffing or access to staffing (through contracted services or agreements with other agencies or Indian tribes) who meet the Secretary of Interior's Professional Qualification Standards in the NRCS Nevada State Office.

II. Roles and Professional Qualifications

a. The NRCS Nevada State Conservationist is responsible for oversight of performance under this PPA.

b. NRCS Nevada shall ensure all NRCS Nevada staff or individuals carrying out Section 106 historic preservation compliance work on its behalf, including the NRCS Nevada State senior historic preservation professional staff member (the Cultural Resources Specialist (CRS), or Archaeologist, or Historian), are appropriately qualified to coordinate the reviews of resources and historic properties as applicable to the resources and historic properties being addressed (site, building, structure, landscape, resources of significance to Indian tribes, NHOs, and other concerned communities). Thus, these staff and consultants must meet the Secretary of the Interior's Professional Qualification Standards and have the knowledge to assess the resources within an undertaking's area of potential effects (APE).

c. The NRCS Nevada State Conservationist is responsible for consultation with the SHPO, and government-to-government consultation with American Indian Tribal leaders and/or their THPO to develop consultation protocols. These responsibilities may not be delegated to any other staff, nor carried out on behalf of NRCS by another Federal agency.

d. The NRCS Nevada CRS and/or professional consultants shall provide technical historic property and resource information to the State Conservationist for use in Section 106 findings and determinations, after appropriate consultations with the SHPO, Indian tribes, and discussions with the landowner. The NRCS Nevada CRS shall monitor and oversee the work and reporting of all NRCS Nevada field office personnel and professional service consultants. The NRCS Nevada

CRS shall also assist the NRCS Nevada State Conservationist in determining whether an undertaking has the potential to affect historic properties, triggering Section 106 review, pursuant to 36 CFR Part 800.3(a). Other communications under this agreement are clarified as follows:

1. For the purpose of amendments to the PPA, signing Memorandum of Agreements (MOA), and or annual reporting, the NRCS Nevada State Conservationist will communicate directly with the SHPO.

2. For the purpose of developing or reviewing PPA procedures, preparing MOA's, or questions on NRCS Nevada cultural resource policy, assigned review and compliance SHPO staff will communicate directly with the NRCS Nevada Cultural Resource Coordinator (CRC).

3. For the purpose of undertaking compliance activities, the NRCS Nevada State Cultural Resource Specialist (SCRS) will submit all correspondence to the SHPO. SHPO responses will be directed to the NRCS Nevada SCRS. SHPO response times will follow 36 CFR Part 800.3(c)(4). If the SHPO fails to respond with 30 days of receipt of a request for review or a finding or determination, the NRCS Nevada SCRS may proceed to the next step in the process based on the finding or determination.

4. NRCS Nevada field office staff will communicate directly with the NRCS Nevada SCRS. Copies of all reporting forms, maps and attachments will be sent to the SCRS. The SCRS will respond to NRCS Nevada field offices electronically or in writing. Copies of all compliance correspondence will be kept in the field office producer files.

5. Whenever possible, NRCS Nevada and the SHPO will utilize electronic mail to communicate so to increase efficiency and provide improved cultural resource compliance and protection. However, all formal compliance correspondence and final reports will be submitted in hard copy with appropriate signatures by NRCS Nevada. All return correspondence from the SHPO to NRCS Nevada will be hard copy with appropriate signatures by the SHPO.

6. Cultural resource and producer information may be subject to the Freedom of Information Act (FOIA). 54 U.S.C. 307103 of NHPA and other Federal laws and program requirements may limit public access to information concerning a producer, an undertaking, and its effect on cultural resources. NRCS Nevada is providing the SHPO cultural resource information for the expressed purpose of consultation under NHPA and 36CFR Part 800. NRCS Nevada field offices and the SHPO will limit access to NRCS Nevada producer information pursuant to Federal laws and regulations.

e. NRCS Nevada field office personnel (FOP) involved in implementing this PPA, after completion of the NRCS web, classroom, and field awareness training acquired through USDA's Ag Learn training site, shall work with the NRCS Nevada CRS, as feasible, in completing historic preservation compliance (Section 106) field records for the agricultural producer's (NRCS' client or voluntary applicant for assistance) files and for use in producing initial historic property identification records (as set forth and outlined in NRCS' operational guidance, the National Cultural Resources Procedures Handbook, Title 190, Part 601).

f. The NRCS CRS in Nevada shall oversee development of the scopes of work for investigation of the APEs for identified undertakings (see 36 CFR Part 800.4). NRCS Nevada and USDA program participants may use professional service contractors, Technical Service Providers (TSPs), consultants or partners to assist with cultural resources compliance studies. NRCS shall

ensure these contractors meet the Secretary of Interior's Professional Qualifications Standards. The TSPs and consultants will complete NRCS National Cultural Resource Modules 1 through 6.

g. NRCS Nevada remains responsible for all consultation with the SHPO, Indian tribes and THPOs and NHOs, and all determinations of NRHP eligibility and effect. NRCS may not delegate consultation for findings and determinations to professional services consultants or producers/applicants for conservation assistance.

h. The SHPO, if provided sufficient data on a proposed undertaking and APE for the proposed undertaking by Nevada NRCS State Office shall consult and provide a response to NRCS within 30 calendar days. The definition of sufficient data is provided in 36 CFR Part 800.11.

i. The ACHP shall provide technical guidance, participate in dispute resolution, and monitor the effectiveness of this agreement, as appropriate.

III. Training

a. NRCS shall require personnel conducting cultural resources identification and evaluation work to complete, at a minimum, the NRCS Web-based (in USDA AgLearn) and field Cultural Resources Training modules and the ACHP's Section 106 *Essentials* course.

b. NRCS shall require NRCS Nevada CRS and other NRCS personnel overseeing cultural resource work to take the NRCS Cultural Resources Training Modules (awareness training) and the ACHP's Section 106 *Essentials* course, or a course with similar content, if approved by the NRCS FPO. Training must be completed within the first calendar year after execution of this State-based Prototype Agreement, if not previously taken and documented. NRCS personnel shall review and update training completion with their supervisors and include their training in their Individual Development Plans.

c. NRCS Nevada may invite the SHPO staff to participate in presentations at agency classroom or field trainings.

d. NRCS Nevada shall encourage all personnel conducting or overseeing cultural resources work to take additional appropriate specialized training as provided by the SHPO, Indian tribes, NHOs, the ACHP, National Park Service, General Services Agency or other agencies, as feasible.

IV. Lead Federal Agency

a. For any undertaking for which the NRCS Nevada is the lead Federal agency for Section 106 purposes per 36 CFR Part 800.2(a)(2), NRCS Nevada staff shall follow the terms of this PPA. NRCS Nevada shall notify the SHPO and Indian tribes of its involvement in the undertaking and the involvement of the other federal agencies.

b. For any undertaking for which the NRCS Nevada is not the lead federal agency for Section 106 purposes, including those undertakings for which the NRCS provides technical assistance to other USDA or other federal agencies, the terms of this SPA shall not apply to that undertaking. If the lead federal agency agrees, NRCS Nevada may follow the approved alternative procedures in place for that agency.

V. Review Procedures

a. In consultation with the SHPO, NRCS Nevada shall identify those undertakings with little to no potential to affect historic properties in Appendix A. Upon the determination by the CRS that a proposed undertaking is included in Appendix A, the NRCS is not required to consult further with the SHPO for that undertaking.

b. The list of undertakings provided in the Appendix A may be modified through consultation and written agreement between the NRCS State Conservationist and the SHPO without requiring an amendment to this PPA. The NRCS Nevada State office will maintain the master list and will provide an updated list to all consulting parties with an explanation of the rationale (metadata) for classifying the practices accordingly.

V.C RdPalm 8/9/16 See email of 8/9/16

c. Undertakings not identified in Appendix A shall require further review as outlined in Stipulation ~~VI.c.~~ NRCS Nevada shall consult with the SHPO, Indian tribes and other concerned parties as appropriate to define the undertaking's APE, identify and evaluate historic properties that may be affected by the undertaking, assess potential effects, and identify strategies for resolving adverse effects prior to approving the financial assistance for the undertaking.

1. NRCS Nevada may provide its proposed APE, identification of historic properties and/or scope of identification efforts, and assessment of effects in a single transmittal to the SHPO, provided this documentation meets the substantive standards in 36 CFR Part 800.4-5 and 800.11.

2. The Nevada NRCS field offices will complete an NV-EVC-01 form (Appendix B) for all projects with practices not listed in Appendix A. This form will be submitted to the SCRS for review. The SCRS will determine whether the field office FOP's may complete the cultural field review or whether a survey must be completed by the SCRS. For projects completed by the field office the SCRS will submit the completed NV-EVC-01 form and topographic map with project APE to the SHPO for review. All projects completed by the SCRS will require a report to be submitted to SHPO for review.

3. NRCS Nevada shall attempt to avoid adverse effects to historic properties whenever possible; where historic properties are located in the APE, NRCS Nevada shall describe how it proposes to modify, buffer, or move the undertaking to avoid adverse effects to historic properties.

4. Where NRCS Nevada proposes a finding of "no historic properties affected" or "no adverse effect" to historic properties, the SHPO who shall have 30 calendar days from receipt of this documented description and information to review it and provide comments. NRCS Nevada shall take into account all timely comments.

i. If the SHPO, or another consulting party, disagrees with NRCS Nevada's findings and/or determination, it shall notify NRCS Nevada within the 30 calendar day time period. NRCS Nevada shall consult with the SHPO, Indian Tribe or other consulting party to attempt to resolve the disagreement. If the disagreement cannot be resolved through this consultation, NRCS Nevada shall follow the dispute resolution process in Stipulation IX below.

ii. If the SHPO does not respond to NRCS Nevada within the 30 calendar day period and/or the NRCS Nevada receives no objections from other consulting parties, or if the

SHPO concurs with NRCS Nevada's determination and proposed actions to avoid adverse effects, NRCS Nevada shall document the concurrence or lack of response within the review time noted above, and may move forward with the undertaking.

5. Where a proposed undertaking may adversely affect historic properties, NRCS Nevada shall describe proposed measures to minimize or mitigate the adverse effects, and follow the process in 36 CFR Part 800.6, including consultation with other consulting parties and notification to the ACHP, to develop a Memorandum of Agreement to resolve the adverse effects. Should the proposed undertaking have the potential to adversely affect a known NHL, the NRCS shall, to the maximum extent possible, undertake such planning and actions that may be necessary to minimize harm to the NHL in accordance with 54 U.S.C. 306107 of the NHPA and 36 CFR Part 800.6 and 800.10, including consultation with the ACHP and respective National Park Service, Regional National Historic Landmark Program Coordinator, to develop a Memorandum of Agreement.

VI. Emergency and Disaster Management Procedures (Response to Emergencies)

a. NRCS Nevada shall notify the SHPO immediately or within 48 hours of the emergency determination, following the NRCS' Emergency Watershed Program (EWP) final rule (see Section 216, P.L. 81-516 Final Rule, 7 CFR Part 624 (April 2005).

b. The NRCS State office shall prepare procedures for exigency (following the rules for NRCS'(EWP) regarding immediate threat to life and property requiring, response within 5 days) in consultation with the SHPO. These procedures are appended to this document in Appendix F.

c. If the NRCS State office has not developed specific procedures for responding to exigencies, the NRCS shall follow the recently approved guidelines for Unified Federal Review issued by the Department of Homeland Security, Federal Emergency Management Service (DHS, FEMA), the Council on Environmental Quality (CEQ), and the ACHP in July 2014, or the procedures in 36 CFR Part 800.12(b).

VII. Post-review Discoveries of Cultural Resources or Historic Properties and Unanticipated Effects to Historic Properties

a. Where construction has not yet begun and a cultural resource is discovered after Section 106 review is complete, the NRCS Nevada shall consult to seek avoidance or minimization strategies in consultation with the SHPO, and/or to resolve adverse effects in accordance with 36 CFR Part 800.6.

b. NRCS Nevada shall ensure that every contract for assistance includes provisions for halting work/construction in the area when potential historic properties are discovered or unanticipated effects to historic properties are found after implementation, installation, or construction has begun. When such a discovery occurs, the producer who is receiving financial assistance or their contractor shall immediately notify the NRCS Nevada State Conservationist's Office, CRS, supervisory NRCS Nevada personnel for the area, and the landowner/applicant.

1. NRCS CRS shall inspect the discovery within 24 hours, if weather permits, and in consultation with the local NRCS Nevada official (field office supervisor or District or Area

Conservationist), concerned Indian tribes, the SHPO, the NRCS Nevada State engineering or program supervisor, as appropriate), the landowner/producer (whomever the NRCS is assisting), the CRS shall establish a protective buffer zone surrounding the discovery. This action may require inspection by tribal or NHO cultural resources experts in addition to the CRS.

2. All NRCS Nevada contact with media shall occur only under the direction of the NRCS Nevada Public Affairs Officer, as appropriate, and the State Conservationist.

3. Security shall be established to protect the resources/historic properties, workers, and private property. Local law enforcement authorities will be notified in accordance with applicable State law and NRCS policy in order to protect the resources. Construction and/or work may resume outside the buffer only when the State Conservationist determines it is appropriate and safe for the resources and workers.

4. NRCS CRS shall notify the SHPO and the ACHP no later than 48 hours after the discovery and describe NRCS's assessment of the National Register eligibility of the property, as feasible and proposed actions to resolve any adverse effects to historic properties. The eligibility determination may require the assessment and advice of concerned Indian tribes or NHOs, the SHPO, and technical experts (such as historic landscape architects) not employed by NRCS.

5. The SHPO and ACHP shall respond within 48 hours from receipt of the notification with any comments on the discovery and proposed actions.

6. NRCS Nevada shall take any comments provided into account and carry out appropriate actions to resolve any adverse effects.

7. NRCS Nevada shall provide a report to the SHPO and the ACHP of the actions when they are completed.

c. When human remains are discovered, the NRCS Nevada shall follow all applicable federal, tribal, and state burial laws and ordinances, including the Native American Graves Protection and Repatriation Act, and implementing regulations, when on tribal or federal lands, and related human rights and health statutes, where appropriate. NRCS Nevada shall also refer to the ACHP's Policy Statement regarding *Treatment of Burial Sites, Human Remains and Funerary Objects* and the ACHP's Section 106 Archaeology Guidance. NRCS shall also follow USDA and NRCS policy on treatment of human remains and consultation.

VIII. Dispute Resolution

a. Should any consulting or signatory party to this PPA object to any actions proposed or the manner in which the terms of the agreement are implemented, the NRCS State Conservationist and CRS shall consult with such party to resolve the objection. If the State Conservationist determines that such objection cannot be resolved, he or she will:

1. Forward all documentation relevant to the dispute, including the State Conservationist's proposed resolution, to the NRCS FPO and Senior Policy Official (SPO Deputy Chief for Science and Technology) and the ACHP. The ACHP shall provide the FPO, SPO, and State Conservationist with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRCS

shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and any signatory or consulting parties, and provide them with a copy of this written response. NRCS will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRCS may make a final decision on the dispute and proceed. Prior to reaching such a final decision, NRCS Nevada shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties, and provide them and the ACHP with a copy of the written response.

b. The NRCS Nevada Office responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remains unchanged.

c. Any consulting party to PPA may request the ACHP provide its advisory opinion regarding the substance of any finding, determination, or decision regarding compliance with its terms.

d. At any time during the implementation of the PPA, a member of the public may submit an objection pertaining to this agreement to the NRCS State Conservationist, in writing. Upon receiving such an objection, the State Conservationist shall notify the NRCS SPO and FPO, the SHPO/NHO, take the objection into account, and consult with other consulting parties as appropriate to resolve the objection. The NRCS State Conservationist shall notify the SPO, FPO, SHPO/NHO of the outcome of this process.

IX. Public Involvement

The NRCS State Conservationist will ensure the public is involved in the development of this PPA and participates in Section 106 review as set forth above in Section V (reference to other parties).

X. Annual Reporting and Monitoring

a. Every year following the execution of this agreement, commencing December 1, 2016, until it expires or is terminated, the NRCS Nevada State Conservationist shall provide all consulting parties (including those parties who participate in the consultation but do not sign the agreement) and the FPO a summary report detailing work undertaken pursuant to its terms, including a list of undertakings falling under Appendix A as well as undertakings that required further review; a summary of the nature and content of meetings held with the SHPO, Indian tribes and other concerned parties as appropriate; and an assessment of the overall effectiveness of the PPA. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in NRCS Nevada efforts to carry out the terms of this agreement.

1. The NRCS FPO shall use the state reports to provide, through the NRCS SPO, an annual report to the ACHP.

2. The State Conservationist shall use the state report to assess the need for annual meetings with the SHPO each fiscal year.

3. The report shall include a table or database listing the county, legal description, total acres surveyed, a list and number of undertakings subject to FOP field review, whether a project was inventoried by a CRS, inventory results, a list of projects inventoried by a professional

archaeologist including the results of the field check, a record of consultations conducted with SHPO/THPO/Indian tribes and consulting parties, as well as the results of quality review checks. The CRS will send the annual report to the SHPO no later than March 31 of the following year.

b. The State Conservationist will participate in an annual review with the NRCS Regional Conservationist regarding the effectiveness of the prototype agreement and submit a written (email) report following this review to the SPO (Deputy Chief for Science and Technology).

c. The NRCS Nevada State Conservationist or the SHPO may request that the ACHP participate in any annual meeting or agreement review.

XI. Compliance with Applicable State Law and Tribal Law (when on Tribal Lands)

NRCS Nevada shall comply with relevant and applicable state law, including permit requirements on state land, and with relevant and applicable tribal law, when on tribal lands.

XII. Duration of Prototype Agreement

This PPA will be in effect for 10 years from the date of execution unless amended or terminated pursuant to Stipulation XIII below.

XIII. Amendment and Termination

a. This PPA may be amended if agreed to in writing by all signatories. The amendment will be effective on the date a copy, signed by all of the signatories, is filed with the NRCS FPO, SPO, and the ACHP.

b. If any signatory to this PPA, or the ACHP, determines that its provisions will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI11a. If within 30 calendar days, or other time period agreed upon by the signatories, an amendment cannot be agreed upon, any signatory or the ACHP may terminate the agreement upon written notification to the other signatories.

c. If this PPA is terminated, or expires without being extended via the amendment process described above, and prior to continuing work on any undertaking, NRCS shall comply with 36 CFR Part 800 for all individual undertakings in Nevada.

d. NRCS Nevada will consider requests from other USDA agencies to become a signatory to the PPA following formal written requests and appropriate discussion with and approval by the NRCS FPO and SPO, and joint USDA Agency -NRCS State Office consultation with the ACHP, SHPO, and Indian tribes/THPOs, and other consulting parties, as appropriate. Such inclusion of the USDA agency may require amendment to this PPA.

Execution of this PPA by the NRCS Nevada and the SHPO and implementation of its terms evidence that NRCS Nevada has taken into account the effects of its undertakings in Nevada on historic properties and afforded the ACHP a reasonable opportunity to comment.

Signatory Parties

By: _____ Date: 8/3/16

State Conservationist, Nevada ~~Natural~~ Resources Conservation Service

By: _____ Date: 8/3/16

Nevada State Historic Preservation Officer

APPENDIX A. LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW IN NRCS NEVADA

V.a RPalm 8/9/16 See email of 8/9/16

Pursuant to Stipulation ~~VIa~~ above, in consultation with the SHPO, the NRCS, through the qualified SCRS as described in Stipulation ~~III.B.~~ II.B, has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the SHPO under Section 106 unless there will be a visual impact to existing historic properties or the practice will have an effect on a building or structure over 50 years of age.

X- Considered a commonly utilized NRCS practice (blanks are practices not commonly utilized).

Conservation Activities:

Code	Practice	Common Practice[X]	Potential Impacts
	Conservation Planning	X	Not ground disturbing.
	Easement Requiring No Structural Maintenance		Not ground disturbing.
	Easement Requiring No Structural Removal		Not ground disturbing.
	Easements	X	See specific associated practices; need files search for ranking points for Agricultural Conservation Easement Program (ACEP).
	Highly Erodible Land Determinations		Not ground disturbing.
	Sodbusting Determinations		See specific practices to bring within compliance.
	Sodbusting Determinations –cultivated land		Not ground disturbing.
	Wetland Determinations	X	Not ground disturbing.

Conservation Practices:

Code	Practice	Common Practice[X]	Potential Impacts
472	Access Control	X	Not ground disturbing.
371	Air Filtration and Scrubbing	X	Not ground disturbing.
333	Amending Soil Properties With Gypsum Products	X	Not ground disturbing.
591	Amendments for Treatment of Agricultural Waste	X	Not ground disturbing.
450	Anionic Polyacrylamide (PAM) Application	X	Not ground disturbing.
400	Bivalve Aquaculture Gear and Biofouling Control		Not ground disturbing.
314	Brush Management-Chemical	X	Generally not ground disturbing unless there is associated mechanical ground disturbance.
672	Building Envelope Improvement		Not ground disturbing and does not require review unless buildings are over 50 years of age.
372	Combustion System Improvement		Not ground disturbing.
327	Conservation Cover	X	Generally not ground disturbing if on cropped ground and no new ground disturbance.
328	Conservation Crop Rotation	X	Not ground disturbing.
332	Contour Buffer Strip	X	Not ground disturbing.

Code	Practice	Common Practice[x]	Potential Impacts
330	Contour Farming	X	Generally not ground disturbing if in a cultivated field and impact does not go below plow zone.
331	Contour Orchard and Other Perennial Crops	X	Generally not ground disturbing if no mechanical equipment is used.
334	Controlled Traffic Farming		Not ground disturbing.
340	Cover Crop	X	Generally not ground disturbing if on cropped ground.
342	Critical Area Planting	X	Generally not ground disturbing if on previously broken ground.
588	Cross Wind Ridges	X	Not ground disturbing.
589C	Cross Wind Trap Strips	X	Generally not ground disturbing with no new ground disturbance.
605	Denitrifying Bioreactor		Not ground disturbing.
554	Drainage Water Management	X	Not ground disturbing.
375	Dust Control From Animal Activity On Open Lot Surfaces		Not ground disturbing.
373	Dust Control on Unpaved Roads and Surfaces		Not ground disturbing.
647	Early Successional Habitat Development/Management	X	Not ground disturbing.
374	Farmstead Energy Improvement	X	Not ground disturbing.

Code	Practice	Common Practice[X]	Potential Impacts
592	Feed Management	X	Not ground disturbing.
382	Fence	X	Generally not ground disturbing unless brush clearing is required for the fence construction or standing structures are adjacent to the proposed fence.
386	Field Border	X	Generally not ground disturbing if no new ground disturbance.
376	Field Operations Emissions Reduction		Not ground disturbing.
393	Filter Strip	X	Generally not ground disturbing if no new ground disturbance.
394	Firebreak-Cropped	X	Generally not ground disturbing if no new ground disturbance.
512	Forage and Biomass Planting-cropped	X	Generally not ground disturbing if no new ground disturbance.
511	Forage Harvest Management	X	Not ground disturbing.
383	Fuel Break-cropped		Generally not ground disturbing if no new ground disturbance.
355	Groundwater Testing		Not ground disturbing.

Code	Practice	Common Practice[X]	Potential Impacts
315	Herbaceous Weed Control	X	Not ground disturbing.
603	Herbaceous Wind Barriers	X	Not ground disturbing.
325	High Tunnel System	X	Generally not ground disturbing if on cropped ground and no visual impacts.
595	Integrated Pest Management	X	Not ground disturbing.
449	Irrigation Water Management	X	Not ground disturbing.
670	Lighting System Improvement		Not ground disturbing.
484	Mulching	X	Not ground disturbing.
379	Multi-Story Cropping		Generally not ground disturbing if no mechanical equipment is used and no new ground disturbance.
590	Nutrient Management	X	Not ground disturbing.
521C	Pond Sealing or Lining, Bentonite Sealant		Generally not ground disturbing with no new ground disturbance.
521D	Pond Sealing or Lining, Compacted Clay Treatment		Generally not ground disturbing with no new ground disturbance.

Code	Practice	Common Practice[X]	Potential Impacts
521A	Pond Sealing or Lining, Flexible Membrane		Generally not ground disturbing with no new ground disturbance.
521B	Pond Sealing or Lining, Soil Dispersant	X	Generally not ground disturbing with no new ground disturbance.
338	Prescribed Burning-Cropped	X	Generally not ground disturbing if in a cropped field and impact does not go below plow zone.
528	Prescribed Grazing-Cropped	X	Not ground disturbing.
550	Range Planting-Cropped	X	Not ground disturbing.
329	Residue and Tillage Management, No-Till	X	Not ground disturbing.
345	Residue and Tillage Management, Reduced- till		Generally not ground disturbing if on previously cropped ground.
643	Restoration and Management of Declining Habitats	X	Not ground disturbing.
390	Riparian Herbaceous Cover	X	Generally not ground disturbing if no new ground disturbance.
558	Roof Runoff Structure		Generally not ground disturbing if no mechanical equipment is used or buildings are not over 50 years in age with no new ground disturbance.

Code	Practice	Common Practice[X]	Potential Impacts
367	Roofs and Covers		Not ground disturbing.
557	Row Arrangement		Not ground disturbing.
610	Salinity and Sodic Soil Management		Not ground disturbing.
318	Short Term Storage of Animal Waste and Byproducts		Not ground disturbing.
585	Stripcropping	X	Not ground disturbing.
660	Tree/Shrub Pruning		Not ground disturbing.
490	Tree/Shrub Site Preparation		Generally not ground disturbing if cropped ground.
360	Waste Facility Closure	X	Generally not ground disturbing. If no new ground disturbance.
633	Waste Recycling		Not ground disturbing.
351	Well Decommissioning		Generally not ground disturbing if the well is less than 50 years old.
644	Wetland Wildlife Habitat Management	X	Not ground disturbing.

Code	Practice	Common Practice[X]	Potential Impacts
380	Windbreak/Shelterbelt Establishment-Cropped Ground	X	Generally not ground disturbing if no mechanical equipment is used and no new ground disturbance.
650	Windbreak/Shelterbelt Renovation-Cropped Ground	X	Not ground disturbing.

APPENDIX B. NEVADA NATURAL RESOURCES CONSERVATION SERVICE NV-EVC-01 FORM

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
CULTURAL RESOURCE FIELD REVIEW (Page 1 of 2)

Fiscal Year:

Type of Form:

TO BE COMPLETED BY A PLANNER TRAINED AND CERTIFIED IN CULTURAL RESOURCES MODULES 1-9

PART A: REQUEST FOR FILES SEARCH

(Total Practices Are Listed After Conservation Acres)

Project#:

Field Office: County:

Personnel: Project Acres: Total Practices

Attached USGS Quadrangle Map(s) Name:

Sections	Township:	Range:
Section2:	TWN2:	RNG2:
Section3:	TWN3:	RNG3:
Section4:	TWN4:	RNG4:

Producer/Landowner:

Conservation Program:

Conservation Type1:	Acres
Conservation Type 2	Acres
Conservation Type 3:	Acres
Conservation Type 4:	Acres
Conservation Type 5:	Acres
Conservation Type 6:	Acres
Conservation Type 7:	Acres

Landowner Signed Release Form ☐ Location of Release Form:

Land Use:

Property Type:

PART B: CONSULTATION

Consultation Type:

Consultation Areas of Concern:

Results of National/State Register Check:

Tribes Consulted:

PART C: NEVADA STATE MUSEUM FILES SEARCH

Date of Files Search:

Results of NVCRIS Data Base Search:

Files Search Request Signature: Files Search Request Date:

Attach a copy of a 7.5' USGS Topographic Map, clearly showing the practice location(s) and Area of Potential Effect (APE). Include plan map or photos if necessary.

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
CULTURAL RESOURCE FIELD REVIEW (Page 2 of 2)

Fiscal Year:

Type of Form:

Field Office: County: Project#:

Producer/Landowner:

PART D: FIELD OFFICE SURVEY FORM

DO NOT PROCEED WITH PROJECT UNTIL PRACTICE HAS BEEN APPROVED BY THE NEVADA STATE CULTURAL RESOURCE SPECIALIST AND ALL CONSULTATION HAS BEEN COMPLETED

Cultural Resource Survey Conducted:

Cultural Resources Located During Field Inspection:

Date of Inventory: Project Time Accountable (hrs):

Paleontological Resources Located:

Observations:

NRCS Field Office Signature: Signature Date FO:

SCRS Signature Signature Date

NRCS personnel must be certified at ASK Level IV (full completion of National Cultural Ressources 1-9 Module Training) to conduct and document cultural resource field reviews. Field reviews must be conducted with pedestrian transects, spaced maximum of 100 ft. (Include digital photographs of any building(s) 50 years or older within the area of potential effects). Attach a USGS quadrangle map (1:24,000 scale) showing the area of potential effects, the practice(s) locations, and the areas of known cultural resources. Send a copy of this form to the State Cultural Resource Specialist (SCRS) and place in your appropriate field office file. All forms require a response from the SCRS prior to practice implementation.

APPENDIX C. GLOSSARY OF ACRONYMS AND TERMS USED IN THIS DOCUMENT

ACHP:	Advisory Council on Historic Preservation
APE:	Area of Potential Effect—from ACHP regulations 36 CFR Part 800
ACEP:	Agricultural Conservation Easement Program
CEQ:	Council on Environmental Quality
CRC:	NRCS Cultural Resource Coordinator
CRS:	Cultural Resources Specialist (NRCS—meets Secretary of Interior's Professional Qualification Standards, generally an archaeologist or historian)
DC:	NRCS District Conservationist
DHS:	Department of Homeland Security
FEMA:	Federal Emergency Management Agency
FOIA:	Freedom of Information Act
FO:	Natural Resource Conservation Service Field Office
FOP:	NRCS field office trained personnel that may complete cultural resource surveys under the direction of the SCRS
FPO:	Federal Preservation Officer (Federal Preservation Officer)
NCSHPO:	National Conference of State Historic Preservation Officers
NEPA:	National Environmental Policy Act
NHL(s):	National Historic Landmark(s)
NHO:	Native Hawaiian Organization
NHPA:	National Historic Preservation Act
NHQ:	National Headquarters (NHQ)
NRHP:	National Register of Historic Places
NRCS:	Natural Resources Conservation Service
MOA:	Memorandum of Agreement
NV-EVC-01:	Nevada NRCS cultural resource inventory form
PPA:	Prototype Agreement
SCRS:	NRCS State Cultural Resource Specialist (see CRS)
Section 106:	Advisory Council on Historic Preservation, comment on Federal undertakings (54 U.S.C. 306108)
SHPO:	State Historic Preservation Officer
SPO:	Senior Policy Official (NRCS)
SPA:	State Prototype Agreement
THPO:	Tribal Historic Preservation Officer
TSP:	Technical Service Provider
USDA:	United States Department of Agriculture

APPENDIX D. DESCRIPTIONS OF NRCS PRACTICES

Code	Practice	Description
309	Agrichemical Handling Facility	A facility with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals.
310	Bedding	Plowing, blading, or otherwise elevating the surface of flat land into a series of broad, low ridges separated by shallow, parallel channels with positive drainage.
311	Alley Cropping	Trees or shrubs are planted in sets of single or multiple rows with agronomic, horticultural crops or forages produced in the alleys between the sets of woody plants that produce additional products.
313	Waste Storage Facility	A waste storage impoundment made by constructing an embankment and/or excavating a pit or dugout, or by fabricating a structure.
314	Brush Management	The management or removal of woody (non-herbaceous or succulent) plants including those that are invasive and noxious.
315	Herbaceous Weed Control	The removal or control of herbaceous weeds including invasive, noxious and prohibited plants.
316	Animal Mortality Facility	An on-farm facility for the treatment or disposal of animal carcasses due to routine mortality.
317	Composting Facility	A structure or device to contain and facilitate the controlled aerobic decomposition of manure or other organic material by micro-organisms into a biologically stable organic material that is suitable for use as a soil amendment.
318	Short Term Storage of Animal Waste and Byproducts	Temporary, non-structural measures used to store solid or semi-solid, organic agricultural waste or manure (stackable livestock and poultry manure, bedding, litter, spilled feed, or soil mixed with manure) on a short-term basis between collection and utilization.
319	On-Farm Secondary Containment Facility	A permanent facility designed to provide secondary containment of oil and petroleum products used on-farm.
320	Irrigation Canal or Lateral	A permanent channel constructed to convey irrigation water from the source of supply to one or more irrigated areas.
324	Deep Tillage	Performing tillage operations below the normal tillage depth to modify adverse physical or chemical properties of a soil.
325	High Tunnel System	A seasonal polyethylene covered structure that is used to cover crops to extend the growing season in an environmentally safe manner.
326	Clearing and Snagging	Removal of vegetation along the bank (clearing) and/or selective removal of snags, drifts, or other obstructions (snagging) from natural or improved channels and streams.
327	Conservation Cover	Establishing and maintaining permanent vegetative cover.
328	Conservation Crop Rotation	Growing crops in a recurring sequence on the same field to control erosion, improve soil organic matter, balance nutrients, improve water use efficiency, manage saline seeps, manage pests and/or provide food and cover for wildlife.

Code	Practice	Description
329	Residue and Tillage Management, No-Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting soil-disturbing activities to only those necessary to place nutrients, condition residue and plant crops.
330	Contour Farming	Aligning ridges, furrows, and roughness formed by tillage, planting and other operations to alter velocity and/or direction of water flow to around the hillslope.
331	Contour Orchard and Other Perennial Crops	Planting orchards, vineyards, or other perennial crops so that all cultural operations are done on or near the contour.
332	Contour Buffer Strips	Narrow strips of permanent, herbaceous vegetative cover established around the hill slope, and alternated down the slope with wider cropped strips that are farmed on the contour.
333	Amending Soil Properties With Gypsum Products	Using gypsum- (calcium sulfate dehydrate) derived products to change the physical and/or chemical properties of soil.
334	Controlled Traffic Farming	Controlled traffic farming (CTF) is confining all high load wheel/track traffic from farm equipment to specific lanes or tramlines (traffic pattern) in crop fields year after year.
338	Prescribed Burning-Cropped	Controlled fire applied to a predetermined area on cropped ground.
338	Prescribed Burning-Non-cropped	Controlled fire applied to a predetermined area on non-cropped ground.
340	Cover Crop	The planting of crops such as grasses, legumes and forbs to provide seasonal cover that will reduce erosion, improve soil organic matter, promote efficient nutrient cycling, fix nitrogen in the soil, suppress weeds, increase biodiversity and/or provide food and cover for wildlife.
342	Critical Area Planting	Establishment of permanent vegetation on sites that have or are expected to have high erosion rates, and on sites that have physical, chemical or biological conditions that prevent the establishment of vegetation with normal practices.
345	Residue and Tillage Management, Reduced Till	Managing the amount, orientation and distribution of crop and other plant residue on the soil surface year round while limiting the soil-disturbing activities used to grow and harvest crops in systems where the field surface is tilled prior to planting.
348	Dam, Diversion	A structure built to divert all or part of the water from a waterway or a stream.
350	Sediment Basin	A basin constructed with an engineered outlet, formed by an embankment or excavation or a combination of the two.
351	Well Decommissioning	The sealing and permanent closure of an inactive, abandoned, or unusable water or monitoring well.
353	Monitoring Well	A well, or wells, designed and installed to obtain representative groundwater samples and hydrogeologic information.
355	Groundwater Testing	Testing the physical, biological, and chemical quality of groundwater from a water well or spring.
356	Dike	A barrier constructed of earth or manufactured material
359	Waste Treatment Lagoon	A waste treatment impoundment made by constructing an embankment and/or excavating a pit or dugout.

Code	Practice	Description
360	Waste Facility Closure	The decommissioning of facilities, and/or the rehabilitation of contaminated soil, in an environmentally safe manner, where agricultural waste has been handled, treated, and/or stored and is no longer used for the intended purpose.
362	Diversion	A channel generally constructed across the slope with a supporting ridge on the lower side.
366	Anaerobic Digester	A component of a waste management system that provides biological treatment in the absence of oxygen.
367	Roofs and Covers	A rigid, semi-rigid, or flexible manufactured membrane, composite material, or roof structure placed over a waste management facility.
368	Emergency Animal Mortality Management	A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction.
371	Air Filtration and Scrubbing	A device or system for reducing emissions of air contaminants from a structure via interception and/or collection.
372	Combustion System Improvement	Installing, replacing, or retrofitting agricultural combustion systems and/or related components or devices for air quality and energy efficiency Improvement.
373	Dust Control on Unpaved Roads and Surfaces	Controlling direct particulate matter emissions produced by vehicle and machinery traffic or wind action from unpaved roads and other surfaces by applying a palliative on the surface.
374	Farmstead Energy Improvement	Development and implementation of improvements to reduce, or improve the energy efficiency of on-farm energy use.
375	Dust Control from Animal Activity on Open Lot Surfaces	Reducing or preventing the emissions of particulate matter arising from animal activity on open lot surfaces at animal feeding operations.
376	Field Operations Emissions Reduction	Adjusting field operations and technologies to reduce particulate matter (PM) emissions from field operations.
379	Multi-Story Cropping	Existing or planted stands of trees or shrubs that are managed as an overstory with an understory of woody and/or non-woody plants that are grown for a variety of products.
379	Pond	A pond is a water impoundment made by constructing an embankment, by excavating a dugout, or by a combination of both.
380	Windbreak/Shelterbelt Establishment	Windbreaks or shelterbelts are single or multiple rows of trees or shrubs in linear configurations to reduce surface wind speeds in order to control wind erosion, manage snow deposition, reduce the spread of odors, reduce pesticide spray drift and/or provide wildlife food and cover.
381	Silvipasture Establishment	An application establishing a combination of trees or shrubs and compatible forages on the same acreage.
382	Fence	A constructed barrier to animals or people.
383	Fuel Break	A strip or block of land on which the vegetation, debris and detritus have been reduced and/or modified to control or diminish the risk of the spread of fire crossing the strip or block of land.
384	Woody Residue Treatment	The treatment of residual woody material that is created due to management activities or natural disturbances.

Code	Practice	Description
386	Field Border	A strip of permanent vegetation established at the edge or around the perimeter of a field to provide a buffer between cropland and non- cropped areas to reduce cropland impacts and provide wildlife food and cover.
388	Irrigation Field Ditch	A permanent irrigation ditch constructed in or with earth materials, to convey water from the source of supply to a field or fields in an irrigation system.
390	Riparian Herbaceous Cover	Grasses, sedges, rushes, ferns, legumes, and forbs tolerant of intermittent flooding or saturated soils, established or managed as the dominant vegetation in the transitional zone between upland and aquatic habitats.
391	Riparian Forest Buffer	An area predominantly trees and/or shrubs located adjacent to and up-gradient from watercourses or water bodies.
393	Filter Strip	A strip or area of herbaceous vegetation established on cropland that removes contaminants from overland flow.
394	Firebreak	A permanent or temporary strip of bare or vegetated land established to retard the movement of fire.
395	Stream Habitat Improvement and Management	Maintain, improve or restore physical, chemical and biological functions of a stream, and its associated riparian zone, necessary for meeting the life history requirements of desired aquatic species.
396	Aquatic Organism Passage	Modification or removal of barriers that restrict or impede movement of aquatic organisms.
397	Aquaculture Ponds	A water impoundment constructed and managed for farming of freshwater and saltwater organisms including fish, mollusks, crustaceans and aquatic plants.
398	Fish Raceway of Tank	A channel or tank with a continuous flow of water constructed or used for high-density fish production.
399	Fishpond Management	Managing impounded water for the production of fish or other aquatic organisms.
400	Bivalve Aquaculture Gear and Biofouling Control	Actions that reduce, clean or remove biofouling organisms and other waste from bivalve production areas while minimizing environmental risk.
402	Dam	An artificial barrier that can impound water for one or more beneficial purposes.
410	Grade Stabilization Structure	A grade stabilization structure is a structure used to control the grade in natural or constructed channels.
412	Grassed Waterway	A shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.
422	Hedgerow Planting	Establishment of dense vegetation in a linear design to achieve a natural resource conservation purpose
423	Hillside Ditch	A channel that has a supporting ridge on the lower side, constructed across the slope at defined gradient and horizontal or vertical interval, with or without a vegetative barrier.
428	Irrigation Ditch Lining	A lining of impervious material or chemical treatment, installed in an irrigation ditch, canal, or lateral.

Code	Practice	Description
430	Irrigation Pipeline	A pipeline and appurtenances installed to convey water for storage or application, as part of an irrigation water system.
432	Dry Hydrant	A non-pressurized permanent pipe assembly system installed into a water source that permits the withdrawal of water by suction.
436	Irrigation Reservoir	An irrigation water storage structure made by constructing a dam, embankment, pit, or tank.
441	Irrigation System, Micro-irrigation	An irrigation system for frequent application of small quantities of water on or below the soil surface: as drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line.
442	Irrigation System, Sprinkler	A distribution system that applies water by means of nozzles operated under pressure.
442	Sprinkler System	A distribution system that applies water by means of nozzles operated under pressure.
443	Irrigation System, Surface and Subsurface	A system in which all necessary earthwork, multi-outlet pipelines, and water-control structures have been installed for distribution of water by surface means, such as furrows, borders, and contour levees, or by subsurface means through water table control.
446	Land Smoothing	Land smoothing is removing irregularities on the land surface.
447	Irrigation System, Tailwater Recovery	An irrigation system designed to collect, store, and convey irrigation tailwater and/or rainfall runoff for reuse in irrigation.
449	Irrigation Water Management	The process of determining and controlling the volume, frequency and application rate of irrigation water in a planned, efficient manner.
450	Anionic Polyacrylamide (PAM) Application	Application of water-soluble Anionic Polyacrylamide (PAM) to meet a resource concern.
453	Land Reclamation, Landslide Treatment	Managing in-place natural materials, mine spoil (excavated over-burden), mine waste or overburden to reduce down-slope movement.
455	Land Reclamation, Toxic Discharge Control	Managing in-place natural materials, mine spoil (excavated over-burden), mine waste or overburden to reduce down-slope movement.
457	Mine Shaft and Adit Closing	Closure of underground mine openings by filling, plugging, capping, installing barriers, gating or fencing.
460	Land Clearing	Removing trees, stumps, and other vegetation from wooded areas to achieve a conservation objective.
462	Precision Land Forming	Precision Land Forming is reshaping the surface of land to planned grades.
464	Irrigation Land Leveling	Reshaping the surface of land to be irrigated, to planned lines and grades.
468	Lined Waterway or Outlet	A waterway or outlet having an erosion-resistant lining of concrete, stone, synthetic turf reinforcement fabrics, or other permanent material.
472	Access Control	The temporary or permanent exclusion of animals, people, vehicles, and/or equipment from an area.
482	Mole Drain	An underground conduit constructed by pulling a bullet-shaped cylinder through the soil.
484	Mulching	Applying plant residues or other suitable materials produced off site, to the land surface.

Code	Practice	Description
490	Tree/Shrub Site Preparation	Treatment of areas to improve site conditions for establishing trees and/or shrubs.
500	Obstruction Removal	Removal and disposal of buildings, structures, other works of improvement, vegetation, debris or other materials.
511	Forage Harvest Management	The timely cutting and removal of forages from the field as hay, green- chop or ensilage.
512	Forage and Biomass Planting	Establishing adapted and/or compatible species, varieties, or cultivars of herbaceous species suitable for pasture, hay, or biomass production.
516	Livestock Pipeline	A pipeline and appurtenances installed to convey water for livestock or wildlife.
527	Karst Sinkhole Treatment	The treatment of sinkholes in karst areas to reduce contamination of groundwater resources, and to improve farm safety.
528	Prescribed Grazing	Managing the harvest of vegetation with grazing and/or browsing animals in order to enhance or maintain good forage production and provide wildlife food and cover.
533	Pumping Plant	A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures.
543	Land Reclamation, Abandoned Mined Land	Reclamation of land and water areas adversely affected by past mining activities.
544	Land Reclamation, Currently Mined Land	Reclamation of currently mined land to an acceptable form and planned use.
548	Grazing Land Mechanical Treatment	Modifying physical soil and/or plant conditions with mechanical tools by treatments such as pitting, contour furrowing, and chiseling, ripping or subsoiling.
550	Range Planting	Establishment of adapted perennial vegetation such as grasses, forbs, legumes, shrubs and trees in order to establish a function range ecology.
554	Drainage Water Management	The process of managing water discharges from surface and/or subsurface agricultural drainage systems.
555	Rock Barrier	A rock retaining wall constructed across the slope to form and support a bench terrace that will control the flow of water and check erosion on sloping land.
557	Row Arrangement	Row Arrangement is a system of crop rows on planned directions, grades and lengths.
558	Roof Runoff Structure	A structure that will collect, control and convey precipitation runoff from a roof.
560	Access Road	An access road is an established route for equipment and vehicles.
561	Heavy Use Area Protection	Heavy Use Area Protection is used to stabilize a ground surface that is frequently and intensively used by people, animals, or vehicles.
562	Recreation Area Improvement	Establishing grasses, legumes, vines, shrubs, trees, or other plants, or selectively reducing stand density and trimming woody plants to improve an area for recreation.

Code	Practice	Description
566	Recreation Land Grading and Shaping	Recreation Land Grading and Shaping is reshaping the surface of the land to support recreational land use.
568	Trails and Walkways	A trail is a constructed path with a vegetated or earthen surface. A walkway is a constructed path with an artificial surface. A trail/walkway is used to facilitate the movement of animals, people, or off-road vehicles.
570	Stormwater Runoff Control	Controlling the quantity and quality of stormwater runoff.
572	Spoil Spreading	Disposal of surplus excavated materials.
574	Spring Development	Collection of water from springs or seeps to provide for livestock and wildlife.
576	Livestock Shelter Structure	A permanent or portable structure with less than four walls and/or a roof to provide for improved utilization of pastureland and rangeland and to shelter livestock from negative environmental factors. This structure is not to be construed to be a building.
578	Stream Crossing	A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles.
580	Streambank and Shoreline Protection	Treatment(s) used to stabilize and protect banks of streams or constructed channels, and shorelines of lakes, reservoirs, or estuaries.
582	Open Channel	An open channel is a natural or artificial channel in which water flows with a free surface.
584	Channel Bed Stabilization	Measure(s) used to stabilize the bed or bottom of a channel.
585	Stripcropping	Growing row crops, forages, small grains, or fallow in a systematic arrangement of equal width strips across a field.
587	Structure for Water Control	A structure in a water management system that conveys water, controls the direction or rate of flow, maintains a desired water surface elevation or measures water.
588	Cross Wind Ridges	Ridges formed by tillage, planting or other operations and aligned perpendicular to prevailing wind direction during critical wind erosion periods.
590	Nutrient Management	Managing the amount (rate), source, placement (method of application), and timing of plant nutrients and soil amendments.
591	Amendments for the Treatment of Agricultural Waste	The use of chemical or biological additives to change the properties of manure, process wastewater, contaminated storm water runoff and other wastes.
592	Feed Management	Managing the quantity of available nutrients fed to livestock and poultry for their intended purpose.
595	Integrated Pest Management	A site-specific combination of pest prevention, pest avoidance, pest monitoring, and pest suppression strategies.
600	Terrace	An earth embankment, or a combination ridge and channel, constructed across the field slope.
601	Vegetative Barrier	Permanent strips of stiff, dense vegetation along the general contour of slopes or across concentrated flow areas.

Code	Practice	Description
603	Herbaceous Wind Barriers	Herbaceous vegetation established in rows or narrow strips in the field across the prevailing wind direction.
605	Denitrifying Bioreactor	A structure that uses a carbon source to reduce the concentration of nitrate nitrogen in subsurface agricultural drainage flow via enhanced denitrification.
606	Subsurface Drain	A conduit installed beneath the ground surface to collect and/or convey excess water.
607	Surface Drainage Field Ditch	A graded channel on the field surface for collecting excess water.
608	Surface Drainage Main or Lateral	An open drainage ditch for moving the excess water collected by a field ditch or subsurface drain to a safe outlet.
609	Surface Roughening	Performing tillage operations that create random roughness of the soil surface.
610	Salinity and Sodic Soil Management	Management of land, water and plants to reduce accumulations of salts and/or sodium on the soil surface and in the crop rooting zone.
612	Tree/Shrub Establishment	Establishing woody plants by planting seedlings or cuttings, direct seeding, or natural regeneration.
614	Watering Facility	A watering facility is a means of providing drinking water to livestock or wildlife.
620	Underground Outlet	A conduit or system of conduits installed beneath the surface of the ground to convey surface water to a suitable outlet.
629	Waste Treatment	The use of unique or innovative mechanical, chemical or biological technologies that change the characteristics of manure and agricultural waste.
630	Vertical Drain	A well, pipe, pit, or bore in porous, underground strata into which drainage water can be discharged without contaminating groundwater resources.
632	Waste Separation Facility	A filtration or screening device, settling tank, settling basin, or settling channel used to partition solids and/or nutrients from a waste stream.
633	Waste Recycling	The use of the by-products of agricultural production or the agricultural use of non-agricultural by-products.
634	Waste Transfer	A system using structures, pipes or conduits installed to convey wastes or waste byproducts from the agricultural production site to storage/treatment or application.
635	Vegetated Treatment Area	An area of permanent vegetation used for agricultural wastewater treatment.
636	Water Harvesting Catchment	A facility for collecting and storing runoff from precipitation.
638	Water and Sediment Control Basin	An earth embankment or a combination ridge and channel constructed across the slope of minor watercourses to form a sediment trap and water detention basin with a stable outlet.
640	Water Spreading	A system of dams, dikes, ditches, or other means of diverting or collecting runoff from natural channels, gullies, or streams and spreading it over relatively flat areas.
642	Water Well	A hole drilled, dug, driven, bored, jetted or otherwise constructed into an aquifer for water supply.

Code	Practice	Description
643	Restoration and Management of Declining Habitats	Restoring and managing rare and declining habitats and their associated wildlife species to conserve biodiversity.
644	Wetland Wildlife Habitat Management	Retaining, developing or managing wetland habitat for wetland wildlife.
645	Upland Wildlife Habitat Management	Provide and manage upland habitats and connectivity within the landscape for wildlife.
646	Shallow Water Development and Management	The inundation of lands to provide habitat for fish and/or wildlife.
647	Early Successional Habitat Development/Management	Manage early plant succession to benefit desired wildlife or natural communities by increasing plant community diversity.
649	Structures for Wildlife	A structure installed to replace or modify a missing or deficient wildlife habitat component.
650	Windbreak/Shelterbelt Renovation	Replacing, releasing and/or removing selected trees and shrubs or rows within an existing windbreak or shelterbelt, adding rows to the windbreak or shelterbelt or removing selected tree and shrub branches.
654	Road/Trail/Landing Closure and Treatment	The closure, decommissioning, or abandonment of roads, trails, and/or landings and associated treatment to achieve conservation objectives.
655	Forest Trails and Landings	A temporary or infrequently used route, path or cleared area.
656	Constructed Wetland	An artificial ecosystem with hydrophytic vegetation for water treatment.
657	Wetland Restoration-Grass Seeding	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site.
657	Wetland Restoration-Non Grass Seeding	The return of a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site.
658	Wetland Creation	The creation of a wetland on a site location that was historically non-wetland.
659	Wetland Enhancement	The augmentation of wetland functions beyond the original natural conditions on a former, degraded, or naturally functioning wetland site; sometimes at the expense of other functions.
660	Tree/Shrub Pruning	The removal of all or parts of selected branches, leaders, or roots from trees and shrubs.
666	Forest Stand Improvement	The manipulation of species composition, stand structure, or stand density by cutting or killing selected trees or understory vegetation to achieve desired forest conditions or obtain ecosystem services.
670	Lighting System Improvement	Complete replacement or retrofitting of one or more components of an existing agricultural lighting system.
672	Building Envelope Improvement	Modification or retrofit of the building envelope of an existing agricultural structure.
521A	Pond Sealing or Lining, Flexible Membrane	A manufactured hydraulic barrier consisting of a functionally continuous layer of synthetic or partially synthetic, flexible material.
521B	Pond Sealing or Lining, Soil Dispersant	A liner for a pond or waste storage impoundment consisting of a compacted soil-dispersant mixture.

Code	Practice	Description
521C	Pond Sealing or Lining, Bentonite Sealant	A liner for a pond or waste storage impoundment consisting of a compacted soil-bentonite mixture.
521D	Pond Sealing or Lining, Compacted Clay Treatment	A liner for a pond or waste storage impoundment constructed using compacted soil without soil amendments.
589C	Cross Wind Trap Strips	Herbaceous cover established in one or more strips typically perpendicular to the most erosive wind events.

APPENDIX E. PROCEDURES FOR EMERGENCY RESPONSE

NRCS and SHPO will use the following procedures to ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible.

A. **Exigency Situations (Emergency Watershed Protection Program)**. NRCS shall notify the SHPO of funds obligated for exigency situations. This notification will include the types and amount of funds obligated, circumstances creating the exigency situation, work to be undertaken, and any consideration of historic properties, as appropriate. NRCS will take into account SHPO comments received before exigency work must begin (within 5 days after the committal of funds) and will document and avoid adverse effects to cultural resources discovered during exigency work to the fullest extent practicable. NRCS shall provide the SHPO with this documentation of cultural resources following the emergency work.

B. During **certain other emergency situations** NRCS shall follow the procedures described in 36 CFR 800.12(b).